TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/722,662
Filing Date	11/26/2003
First Named Inventor	Keith Goclowski
Art Unit	3625
Examiner Name	Gart, Matthew S.
Attorney Docket Number	02-065-KG

Total Number of Pages in This Submission	

ENCLOSURES   *(Check all that apply)*

☑ Fee Transmittal Form
　☐ Fee Attached
☐ Amendment/Reply
　☐ After Final
　☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/ Incomplete Application
　☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
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Remarks
Appeal Brief

☐ After Allowance Communication to TC
☐ Appeal Communication to Board of Appeals and Interferences
☑ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
☐ Proprietary Information
☐ Status Letter
☐ Other Enclosure(s) (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Lambert & Associates
Signature	*[signature]*
Printed name	Adam J. Bruno
Date	3/31/2008	Reg. No.	58,390
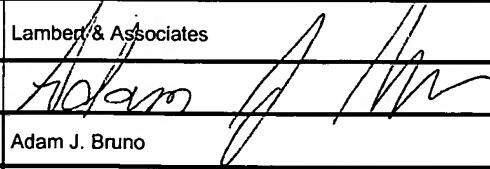
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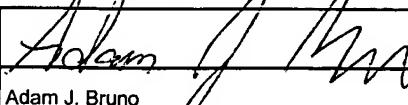
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Typed or printed name	Adam J. Bruno	Date	3/31/2008

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	255.00

Complete if Known

Application Number	10/722,662
Filing Date	11/26/2003
First Named Inventor	Keith Goclowski
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METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____ x	_____ =	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____ x	_____ =	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $260 ($130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief _____

Fees Paid ($)

$255.00

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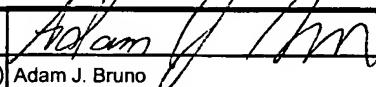
Signature	_[signature]_	Registration No. (Attorney/Agent) 58,390	Telephone 617-720-0091
Name (Print/Type)	Adam J. Bruno		Date 3/31/2008

Appl. No.   :   10/722,662

Applicant   :   Keith Goclowski

Filed   :   11/26/2003

TC/A.U.   :   3625

Examiner   :   Gart, Matthew S

File No.   :   02-065-KG

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir or Madam:

Please find enclosed an Appeal Brief in support of the
above-referenced application.

1

REAL PARTY IN INTEREST

The real party in interest is Mr. Keith Goclowski, as inventor and applicant.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1 and 3-8 have been finally rejected and are the subjects of this appeal. Claim 2 has been cancelled, claims 9-29 have been withdrawn, and claim 30 has been added through an after-final amendment, but not entered by the Examiner.

STATUS OF AMENDMENTS

Applicant filed an amendment on January 30, 2008 subsequent to final rejection. The Examiner refused entry of this amendment subsequent to final rejection stating that the proposed amendment raised new issues that would require further consideration and/or search because the proposed amendment changes the scope of the pending claims.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1

Claim 1 defines an interactive vehicle auction and sale system comprising **(US Pat. Pub. No 20040107160 A1, Page 1 ¶ 2)**:

a plurality of computers **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**;

a computer network enabling communication between said plurality of computers **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**;

a plurality of user interface terminals in connection with said computer network **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58, 59)**, said terminals utilized to display an amount of auction and sales information and to input a series of auction bids **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58, 62)**;

a plurality of databases and corresponding database servers for storage of an amount of vehicle statistics **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 59, 60)**;

3

an input computer **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 59, 60)** in communication with said network to receive and to route said amount of auction and sales information to a plurality of database servers **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 59, 60)**;

a web server in communication with said plurality of user interface terminals and said plurality of database servers **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58, 62)**, through said network, said web server utilized to control said vehicle auction and sale system, coordinate said series of auction bids and maintain communications between said plurality of user interface terminals and a plurality of servers **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58, 62)**;

an applications server in communication with said network **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)** and said user interface terminals; said applications server containing a system software program for operating said interactive vehicle auction and sale system **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**;

4

a vehicle image and video server in communication with said network and said user interface terminals **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**, containing a plurality of electronic vehicle images and a plurality of vehicle video media to be accessed by said user terminals **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**;

a template server in communication with said network and said user interface terminals **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**, containing a plurality of templates to be accessed by said user interface terminals in conjunction with said system software program, an amount of data from said template server utilized as a plurality of interactive computer screen **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 58)**;

a plurality of mail servers in communication with said network **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 59, 60)**, said plurality of mail servers utilized to receive an amount of auction and sales information from said users; said mail servers also utilized to respond to said users **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 59, 60)**;

5

a plurality of protection mechanisms contained within said network to protect said database servers from unwanted access **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 59, 61)**;

a bank system connection in communication with said network to enable verification of a credit line of a vehicle purchaser **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 61, 62)**; and

an auction timer **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 90)**, wherein said auction timer controls an amount of time allotted for said interactive vehicle auction and a readout of said timer is displayed on said user interface terminals **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 90, 97, 98)**, wherein said auction timer is programmed for a predetermined amount of time such that when the auction process begins, the timer begins to decrease in time from the predetermined time**(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 90, 97, 98)**, and wherein upon submission of a higher bid than the previous bid on record by an individual participating in the auction, the auction timer resets to the

original predetermined amount of time **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 90, 97, 98)**.

Claim 3

Claim 3 depending from Claim 1, defines the auction timer, wherein said auction timer automatically resets upon entry of a bid value higher then a currently pending highest bid value **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 97, 98)**.

Claim 4

Claim 4, depending from Claim 3, defines the auction timer further, wherein upon expiration of said auction timer, system user corresponding to said highest bid value entered in said interactive vehicle auction wins said interactive vehicle auction **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 97, 98)**.

Claim 5

Claim 5, depending from Claim 4, defines the auction timer further, wherein upon expiration of said auction timer, an electronic mail transmission is sent to said system user corresponding to said highest bid value **(US Pat. Pub. No 20040107160 A1, Page 1 ¶ 97, 98)**.

Claim 6

Claim 6, depending from Claim 5, defines the auction timer further, wherein said auction timer commences a count down process from a value of four minutes **(US Pat. Pub. No 20040107160 A1, Page 3 ¶ 97, 98)**.

Claim 7

Claim 7, depending from Claim 6, defines the auction timer further, wherein said auction timer commences said count down process from a value of two minutes **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 98)**.

Claim 8

Claim 8, depending from Claim 7, defines the auction timer further, wherein said auction timer commences said count down process from a value of one minute **(US Pat. Pub. No 20040107160 A1, Page 5 ¶ 98)**.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims Rejections 35 U.S.C. §103) in light of Berent

The Examiner rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Berent (U.S. Patent No. 5,774,873) in view of Friedland (U.S. Patent No. 6,449,601) in further view of Alaia (U.S. Pat. App. No. 2002/046148). The Examiner has stated that Berent allegedly discloses an interactive vehicle auction and sale system comprising:

a plurality of computer (Berent: Fig 1, "2");

a computer network enabling communication between said plurality of computers (Berent: column 4, lines 17-29);

a plurality of user interface terminals in connection with said computer network, said terminals utilized to display an amount of auction and sales information and to input a series of auction bids (Berent: Fig. 2c);

a plurality of databases and corresponding database servers for storage of an amount of vehicle statistics (Berent: Fig 1, "9" and column 4, line 66 to column 5, line 20);

an input computer in communication with said network to receive and to route said amount of auction and sales information to a plurality of database servers (Berent: column 5, lines 20-24);

a network server in communication with said plurality of user interface terminals and said plurality of database servers, through said networks, said network server utilized to control said vehicle auction and sale system, coordinate said series of auction bids and maintain communication between said plurality of user interface terminals and a plurality of servers (Berent: Fig 1, "7")

an application server in communication with said network and said user interface terminals, said applications server containing a system software program for operating said interactive vehicle auction and sale system (Berent: column 4, line 66 to column 5, line 14);

a vehicle image server in communication with said network and said user interface terminals, containing a plurality of electronic vehicle images to be accessed by said user terminals (Berent: column 10, line 19-32);

a template server in communication with said network and said user interface terminals, containing a plurality of templates to be accessed by said user interface terminals in conjunction with said system software program, an amount of data from said template server utilized as a plurality of interactive computer screens (Berent: Fig. 4b);

10

a plurality of mail servers in communication with said network said plurality of mailer servers utilized to receive an amount of auction and sales information from said users; said mail servers also utilized to respond to said users (Berent; column 5, lines 47-59); and

a plurality of protection mechanisms contained within said network to protect said database servers from unwanted access (Berent: column 4, lines 38-52).

The Examiner also states that Berent does not expressly disclose an interactive vehicle auction and sale system comprising a web server. However, the Examiner alleges in a similar system, that Friedland discloses a system comprising a web server (Friedland: Fig 4). Furthermore, the Examiner allegedly states that at the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the system of Berent to have included the teachings of Friedland, because the Internet has blossomed from a medium for simple data exchange and messaging to the fastest growing, most innovative medium for information exchange and commerce (Friedland: column 1, lines 13-34).

The Examiner further states that Berent does not expressly disclose a interactive vehicle auction and sale system comprising a video server in communication with said

network and said user interface terminals, containing a plurality of video media to be accessed by said user terminals. In a similar system, Friedland disclose a video server in communication with said network and said user interface terminals, containing a plurality of video media to be accessed by said user terminals (Friedland: Column 8, lines 10-27). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the system of Berent to have included the teachings of Friedland, in order to improve the timeliness, quality, quantity, and, perhaps most importantly, the types of information that can be exchanged through the internet (Friedland: column 1, lines 35-49).

The Examiner also states that Berent does not expressly disclose a bank system connection in communication with said network to enable verification of a credit line of a vehicle purchaser. However, the Examiner alleges in a similarly system, Friedland discloses a bank system connection in communication with said network to enable verification of a credit line of vehicle purchase (Friedland: column 11, lines 20-37). Furthermore, the Examiner states that at the time the invention was made it would have been obvious for a person of ordinary skill in the art to have modified the system of Berent to have

included the teachings of Friedland, because the internet has blossomed from a medium for simple data exchange and messaging the fastest growing, most innovative medium for information exchange and commerce (Friedland: column 1, lines 13-34).

The Examiner further states that Berent in view of Friedland discloses a system according to claim 1 as indicated supra, however neither Berent nor Friedland disclose the use of an auction timer.

The Examiner alleges that Alaia, in a similar system, discloses an auction timer that controls an amount of time allotted for an interactive auction and a readout of said timer displayed on a user interface (Alaia: paragraph 0040).

The Examiner further alleges that Alaia further discloses a system wherein, an auction timer controls an amount of time allotted for said interactive vehicle auction and a readout of said timer is displayed on said user interface terminals (Alaia: paragraph 0040).

The Examiner also allegedly states that Alaia further discloses a system wherein, said auction timer automatically resets upon entry of a bid value higher then a currently pending highest bid value (Alaia: paragraph 0040).

13

The Examiner also alleges that Alaia further discloses a system wherein, upon expiration of said auction timer, system user corresponding to said highest bid value entered in said interactive vehicle auction wins said interactive vehicle auction (Alaia: paragraph 0040).

The Examiner further alleges that Alaia further discloses a system wherein, upon expiration of said auction timer, an electronic mail transmission is sent to said system user corresponding to said highest bid value (Alaia: paragraph 0400).

The Examiner further alleges that Alaia further discloses a system wherein; said auction timer commences a count down process from a value of one minute (Alaia: paragraph 0040). The Examiner notes, the specific minute value utilized within the count down process does not structurally affect the claimed system and that said value will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d, 1381, 217 USPQ 401, 404 (Fed. Cir. 1983).

Lastly, the Examiner alleges that at the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the system of Berent and Friedland to have included the timing feature of Alaia because many systems are biased towards the supplier

14

offering the electronic market and as such procurement costs can be further lowered with an unbiased electronic market that promotes competition (Alaia: paragraph 0006).

ARGUMENT

Rejection under 35 USC 103(a)

In the September 26, 2007 Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Berent (U.S. Patent No. 5,774,873) in view of Friedland (U.S. Patent No. 6,449,601) in further view of Alaia (U.S. Pat. App. No. 2002/046148). The Examiner has stated that Berent allegedly discloses an interactive vehicle auction and sale system comprising:

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a network server in communication with said plurality of user interface terminals and said plurality of database servers, through said networks, said network server utilized to control said vehicle auction and sale system, coordinate said series of auction bids and maintain communication between said plurality of user interface terminals and a plurality of servers (Berent: Fig 1, "7")

an application server in communication with said network and said user interface terminals, said applications server containing a system software program for operating said interactive vehicle auction and sale system (Berent: column 4, line 66 to column 5, line 14);

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a template server in communication with said network and said user interface terminals, containing a plurality of templates to be accessed by said user interface terminals in conjunction with said system software program,

an amount of data from said template server utilized as a plurality of interactive computer screens (Berent: Fig. 4b);

a plurality of mail servers in communication with said network said plurality of mailer servers utilized to receive an amount of auction and sales information from said users; said mail servers also utilized to respond to said users (Berent; column 5, lines 47-59); and

a plurality of protection mechanisms contained within said network to protect said database servers from unwanted access (Berent: column 4, lines 38-52).

The Examiner also states that Berent does not expressly disclose an interactive vehicle auction and sale system comprising a web server. However, the Examiner alleges in a similar system, that Friedland discloses a system comprising a web server (Friedland: Fig 4). Furthermore, the Examiner allegedly states that at the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the system of Berent to have included the teachings of Friedland, because the Internet has blossomed from a medium for simple data exchange and messaging to the fastest growing, most innovative medium for information exchange and commerce (Friedland: column 1, lines 13-34).

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Examiner states that at the time the invention was made it would have been obvious for a person of ordinary skill in the art to have modified the system of Berent to have included the teachings of Friedland, because the internet has blossomed from a medium for simple data exchange and messaging the fastest growing, most innovative medium for information exchange and commerce (Friedland: column 1, lines 13-34).

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The Examiner alleges that Alaia, in a similar system, discloses an auction timer that controls an amount of time allotted for an interactive auction and a readout of said timer displayed on a user interface (Alaia: paragraph 0040).

The Examiner further alleges that Alaia further discloses a system wherein, an auction timer controls an amount of time allotted for said interactive vehicle auction and a readout of said timer is displayed on said user interface terminals (Alaia: paragraph 0040).

The Examiner also allegedly states that Alaia further discloses a system wherein, said auction timer

automatically resets upon entry of a bid value higher then a currently pending highest bid value (Alaia: paragraph 0040).

The Examiner also alleges that Alaia further discloses a system wherein, upon expiration of said auction timer, system user corresponding to said highest bid value entered in said interactive vehicle auction wins said interactive vehicle auction (Alaia: paragraph 0040).

The Examiner further alleges that Alaia further discloses a system wherein, upon expiration of said auction timer, an electronic mail transmission is sent to said system user corresponding to said highest bid value (Alaia: paragraph 0400).

The Examiner further alleges that Alaia further discloses a system wherein; said auction timer commences a count down process from a value of one minute (Alaia: paragraph 0040). The Examiner notes, the specific minute value utilized within the count down process does not structurally affect the claimed system and that said value will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d, 1381, 217 USPQ 401, 404 (Fed. Cir. 1983).

Lastly, the Examiner alleges that at the time the invention was made it would have been obvious to a person

of ordinary skill in the art to have modified the system of
Berent and Friedland to have included the timing feature of
Alaia because many systems are biased towards the supplier
offering the electronic market and as such procurement
costs can be further lowered with an unbiased electronic
market that promotes competition (Alaia: paragraph 0006).

Response

In response to the Examiner's rejections, applicant
respectfully traverses on the ground that a prima facie
case of obviousness cannot be established for the amended
claims. Furthermore, applicant states that Alaia does not
disclose an auction timer as the Examiner suggests, but
rather discloses an extension feature, thereby rendering
Alaia inapplicable as prior art.

Under MPEP §2143, to establish a prima facie case of
obviousness the cited references must teach or suggest
every element of the claims.

First, Alaia does not teach an auction timer for use
with an online auction system that interacts with a buyer
to create an express online auction. Rather, Alaia teaches
a system that simply includes an extension feature, wherein
the system includes a starting time and closing time for an

21

auction to take place.   For example, Alaia specifically states that if the auction closes at 10:30:00 and a bid is submitted at 10:26:49, the bid will have no impact on the overall closing time originally set at 10:30:00 prior to the start of the auction.   If the system in Alaia places the default for the extension feature at one minute before the closing time, then once a bid is submitted during this time, the extension feature will activate causing the closing time to be extended for one more minute to 10:31:00.   However, if a second bid is submitted after the original bid to extend the closing time to 10:31:00 but prior to the original closing time of 10:30:00, the bid will have zero impact then if a bid is submitted within one minute of the closing time.

Thus, when bids are submitted in Alaia, the extension feature only activates when bids are submitted at certain time periods in respect to when a previous bid was submitted.   Therefore, other individuals who are participating in the online auction do not have the requisite time to review and react to the latest bid, even though this is one of the stated reasons for the extension feature disclosed in Alaia.   The extension feature does not activate to all bids submitted to the ongoing auction, but

rather only under a specific set of predetermined time constraints, as opposed to the instant invention.

In contrast to Alaia, the instant invention merely relies on a starting time for the auction and does not provide a predetermined closing time prior to the auction. Thus, in Alaia, if the extension feature is not activated, the auction will close at the set time. The instant invention includes an auction timer that is set at a predetermined duration limit, for instance four, two or one minute and begins to countdown once the auction has commenced. Furthermore, once the auction begins in the instant invention, the auction timer is reset to the original predetermined duration period once a higher bid has been submitted. This enables all individuals participating in the auction, to be able to review the latest bid for the full allotted duration period as opposed to the extension feature in Alaia. Moreover, the auction timer of the instant invention reacts to every bid submitted during the auction as opposed to Alaia, such that the auction timer disclosed in the instant invention will be reset to the original duration period after the submission of each bid that beats the highest bid on record. Therefore, the instant invention could theoretically have a never-ending auction based on the

number of submissions, whereas Alaia sets a closing time and based on the timing of bids, would end on that closing time.

In addition, the auction system of the instant invention utilizes mandatory bid increments in combination with the auction timer, coupled with a starting value of a vehicle to create an express online and interactive auction. Furthermore, unlike Alaia, the instant invention does not post items for lengthy review, rather creating an express online auction utilizing the auction timer to post and auction vehicles in a matter of minutes. The system in Alaia is primarily concerned with staggering lots of items (Alaia, paragraph 51), thereby giving more time for individuals to think/review/submit bids for items. The instant invention allows for the posting of multiple lots within shortened time frames to create an express auction which is primarily facilitated by the auction timer, since each high bid resets the auction timer.

Moreover, Alaia indicates that the entire auction process is maintained and administered by a "coordinator" who works with both the buyer and the supplier to determine requests for quotations, preparations for the auction, along with communicating with the buyer and seller via a

network service provider. The instant invention does not include any type of "coordinator" to help with the overall auction process; rather the entire system is automated and requires no management of the actual auction.

Lastly, applicant again points out that the so-called extension or "overtime" feature in Alaia is not an auction timer as disclosed in the instant invention. Rather, in Alaia there is an extension period categorized as "overtime", and there is only another extension period if a bid is submitted within a certain time proximity to the closing, otherwise the auction ends. Conversely, the instant invention employs an auction timer that resets every second a higher bid is submitted. The auction timer of the instant invention does not "extend" as is described in Alaia, but rather resets to the original predetermined duration period.

Thus, the extension feature in Alaia cited by the Examiner does not function in the same way as the auction timer in the instant invention based on the distinctions provided above. Therefore, the reference of Alaia does not qualify as prior art to support an assertion of obviousness since Alaia does not teach the auction timer disclosed in the instant invention.

With all due respect to the Examiner, applicant points out that the reasoning for determining why it would be obvious to combine the timing feature of Alaia with the systems of Berent and Friedland relies solely on a vague generalization that is mentioned in passing in the "Background of the Invention Section". The statement "Many systems are biased towards the supplier offering the electronic market. Procurement costs can be further lowered with an unbiased electronic market that promotes competition" makes no reference to the invention disclosed in Alaia regarding the alleged "timing feature". Also, that sole reference provides no insight into the belief that there would be some motivation or suggestion to combine the cited references at the time of filing the instant application.

In view of the applicant's remarks and amendments to the claims, applicant respectfully requests the Examiner to remove this ground of rejection.

No fee is deemed necessary in connection with the filing of this Appeal. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to the Deposit Account 12-0115.

For these stated herein and in view of the above remarks and arguments, Applicant asserts that this

application is now considered to be in condition for allowance and such action is earnestly solicited. Applicant respectfully contends that each rejected claim is patentable. Therefore, reversal of all rejections is courteously solicited.

Respectfully Submitted,

3/31/08
Date
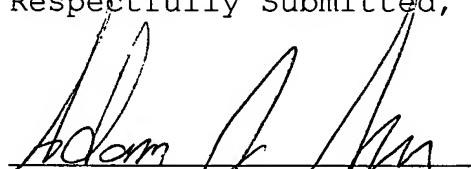
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CLAIMS APPENDIX

1. (Currently amended) An interactive vehicle auction and sale system comprising:

a plurality of computers;

a computer network enabling communication between said plurality of computers;

a plurality of user interface terminals in connection with said computer network, said terminals utilized to display an amount of auction and sales information and to input a series of auction bids;

a plurality of databases and corresponding database servers for storage of an amount of vehicle statistics;

an input computer in communication with said network to receive and to route said amount of auction and sales information to a plurality of database servers;

a web server in communication with said plurality of user interface terminals and said plurality of

database servers, through said network, said web server utilized to control said vehicle auction and sale system, coordinate said series of auction bids and maintain communications between said plurality of user interface terminals and a plurality of servers;

an applications server in communication with said network and said user interface terminals; said applications server containing a system software program for operating said interactive vehicle auction and sale system;

a vehicle image and video server in communication with said network and said user interface terminals, containing a plurality of electronic vehicle images and a plurality of vehicle video media to be accessed by said user terminals;

a template server in communication with said network and said user interface terminals, containing a plurality of templates to be accessed by said user interface terminals in conjunction with said system software program, an amount of data from said template

server utilized as a plurality of interactive computer screens;

a plurality of mail servers in communication with said network, said plurality of mail servers utilized to receive an amount of auction and sales information from said users; said mail servers also utilized to respond to said users;

a plurality of protection mechanisms contained within said network to protect said database servers from unwanted access;

a bank system connection in communication with said network to enable verification of a credit line of a vehicle purchaser; and

an auction timer, wherein said auction timer controls an amount of time allotted for said interactive vehicle auction and a readout of said timer is displayed on said user interface terminals, wherein said auction timer is programmed for a predetermined amount of time such that when the auction process begins, the timer begins to decrease in time from the

predetermined time, and wherein upon submission of a higher bid than the previous bid on record by an individual participating in the auction, the auction timer resets to the original predetermined amount of time.

2.   (Cancelled)

3.   (Previously presented) The interactive vehicle auction and sale system of claim 1 wherein, said auction timer automatically resets upon entry of a bid value higher then a currently pending highest bid value.

4.   (Original) The interactive vehicle auction and sale system of claim 3 wherein, upon expiration of said auction timer, system user corresponding to said highest bid value entered in said interactive vehicle auction wins said interactive vehicle auction.

5.   (Original) The interactive vehicle auction and sale system of claim 4 wherein, upon expiration of said auction timer, an electronic mail transmission is sent to said system user corresponding to said highest bid value.

31

6.	(Original) The interactive vehicle auction and sale system of claim 5 wherein, said auction timer commences a count down process from a value of four minutes.

7.	(Original) The interactive vehicle auction and sale system of claim 6 wherein, said auction timer commences said count down process from a value of two minutes.

8.	(Original) The interactive vehicle auction and sale system of claim 7 wherein, said auction timer commences said count down process from a value of one minute.

9.	(Withdrawn)

10.	(Withdrawn)

11.	(Withdrawn)

12.	(Withdrawn)

13.	(Withdrawn)

14.	(Withdrawn)

15.   (Withdrawn)

16.   (Withdrawn)

17.   (Withdrawn)

18.   (Withdrawn)

19.   (Withdrawn)

20.   (Withdrawn)

21.   (Withdrawn)

22.   (Withdrawn)

23.   (Withdrawn)

24.   (Withdrawn)

25.   (Withdrawn)

26.   (Withdrawn)

27. (Withdrawn)

28. (Withdrawn)

29. (Withdrawn)

30. (New)   The interactive vehicle auction and sale system of claim 1, wherein the system includes a starting time for the auction and does not provide a predetermined closing time prior to the auction.

EVIDENCE APPENDIX

The following is the evidence submitted by the Examiner and relied upon by applicant in the appeal.

5,774,873   Berent

6,449,601   Friedland

2002/046148   Alaia

RELATED PROCEEDINGS APPENDIX

There are no decisions rendered by a court or the Board in any proceeding as noted in the section titled: RELATED APPEALS AND INTERFERENCES.